UNITED
NATIONS

A

General Assembly

PROVISIONAL

A/45/PV.69
11 January 1991

ENGLISH

Forty-fifth session

GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE SIXTY-NINTH MEETING

Held at Headquarters, New York,
on Tuesday, 18 December 1990, at 3 p.m.

President: Mr. PEERTHUM (Mauritius)
(Vice-President)

- Date of recess

- International Action to Combat Drug Abuse and Illicit Trafficking: Report of the Third Committee (continued) [108]

- Enhancing the effectiveness of the principle of periodic and genuine elections: report of the Third Committee (continued) [110]

- Report of the Economic and Social Council (continued) [12]

  (a) Report of the Third Committee (Parts I and II)

  (b) Reports of the Fifth Committee

/...

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be printed in the Official Records of the General Assembly.

Corrections should be submitted to original speeches only. They should be sent under the signature of a member of the delegation concerned, within one week, to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

90-64484/A 4273V (E)

/...

READEX FICHE

- Policies of apartheid of the Government of South Africa (continued) [34]

  (a) Report of the Special Committee against Apartheid

  (b) Report of the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa

  (c) Report of the Commission against Apartheid in Sports

  (d) Reports of the Secretary-General

  (e) Report of the Special Political Committee

  (f) Draft resolutions

  (g) Report of the Fifth Committee

- Programme of work

In the absence of the President, Mr. Peerthum (Mauritius), Vice-President, took the Chair.

The meeting was called to order at 3.15 p.m.

DATE OF RECESS

The PRESIDENT: I should like to draw the attention of members to a matter relating to the date of recess.

Members will recall that at the 3rd plenary meeting, on 21 September 1990, the General Assembly decided that the forty-fifth session should recess on 18 December 1990 and close on 16 September 1991.

However, the Assembly is not able to take up the reports of the Second and Fifth Committees today. I should like, therefore, to propose to the Assembly that it meet on Friday, 21 December 1990, and recess on that date.

If there is no objection, may I take it that the Assembly agrees to recess on 21 December 1990?

It was so decided.

AGENDA ITEMS 108, 110, AND 12 (continued)

INTERNATIONAL ACTION TO COMBAT DRUG ABUSE AND ILLICIT TRAFFICKING: REPORT OF THE THIRD COMMITTEE (A/45/764)

ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS: REPORT OF THE THIRD COMMITTEE (A/45/766)

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL:

(a) REPORT OF THE THIRD COMMITTEE (PARTS I AND II) (A/45/838 and Add.1)

(b) REPORTS OF THE FIFTH COMMITTEE (A/45/843/Rev.1, A/45/844)

The PRESIDENT: I call on the Rapporteur of the Third Committee, Mr. Mario De Leon of the Philippines, to present the reports of that Committee on agenda items 108, 110 and 12.

Mr. DE LEON (Philippines), Rapporteur of the Third Committee: I have the honour to present the remaining reports of the Third Committee for the consideration of the General Assembly.

Under item 108, entitled "International action to combat drug abuse and illicit trafficking", the Third Committee recommends the adoption of the five draft resolutions in paragraph 38 of its report (A/45/764).

I would ask members of the Assembly to refer to operative paragraph 1 of part B of draft resolution IV. At the end of that paragraph, the words "at its thirty-fifth session" should be replaced by the words "at its thirty-third session".

I understand that action on draft resolution V is to be postponed to a later date.

Under item 110, entitled "Enhancing the effectiveness of the principle of periodic and genuine elections", the Third Committee recommends the adoption of the two draft resolutions in paragraph 21 and of the draft decision in paragraph 22 of its report (A/45/766).

Under item 12, entitled "Report of the Economic and Social Council", the Third Committee recommends the adoption of the 24 draft resolutions in paragraph 109 and the of two draft decisions in paragraph 110 of part I of its report (A/45/838).

There are some changes in the Committee's report under item 12. First, on page 45 the word "Draft" should be deleted from the title of draft resolution VIII. On page 47 the same change should be made in the title of the Convention annexed to the draft resolution.

(Mr. De Leon, Rapporteur, Third Committee)

I shall be providing the Secretariat with written texts of these and other corrections.

The Third Committee further recommends, under item 12, the adoption of the draft resolution, entitled "Rationalization of the work of the Third Committee", in paragraph 22 of part II of its report (A/45/838/Add.1).

(Mr. De Leon, Rapporteur, Third Committee)

The question of the rationalization of the work of the Third Committee has been considered by the Committee since the Assembly's forty-first session and has been postponed for further consideration from year to year. As indicated in paragraph 3 of the report, the Committee established a working group under the able leadership of our Chairman, Mr. Juan O. Somavia of Chile, to consider appropriate ways and means of rationalizing the Committee's programme of work. The objective of the Working Group was to improve the quality of the work of the Committee and to make it more manageable.

The recommendations of the Working Group were approved by the Third Committee by consensus.

In brief, the Committee recommends, first, a new structure for future agendas of the Committee, including an indication of the frequency of resolutions to be submitted under certain broad headings. In this new structure all related questions, which heretofore had been considered under various items, are grouped under a single broad heading; secondly, a draft biennial programme of work for 1991 and 1992 is proposed, setting out the documentation requested under each item. This was drawn up on the basis of requests made in earlier resolutions adopted by the Assembly as well as those adopted at the present session; and, lastly, a number of recommendations have been made in connection with organizational matters.

I should also like to point out that the text before the Assembly today has been adjusted to conform to the resolutions adopted by the Assembly at its 68th meeting, on Friday, 14 December, relating to the reports of the Third Committee.

In section II, of the proposed structure, relating to the draft biennial programme of work of the Third Committee for 1991, under item 4 (a), the "report of

(Mr. De Leon, Rapporteur, Third Committee)

the Secretary-General on a draft world youth programme of action towards the year 2000 and beyond" - draft resolution A/C.3/45/L.13, paragraph 10 - has been added.

In addition, the "report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" - draft resolution A/C.3/45/L.49, paragraph 9 - which had been listed under the draft programme of work for 1992, has been inserted under item 8 (a) of 1991 to conform to the text of the resolution adopted.

Further, the "Report of the Secretary-General on the status of the Convention on the Elimination of All Forms of Discrimination against Women" - draft resolution A/C.3/45/L.22, paragraph 4 - had been omitted and has been inserted under item 5 of the 1991 agenda.

In conclusion, let me once more pay a tribute to all the delegations, the officers of the Committee and the Secretariat for their tireless efforts throughout the meetings of the Third Committee.

The PRESIDENT: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Third Committee which are before the Assembly today.

It was so decided.

The PRESIDENT: Statements will therefore be limited to explanations of vote.

The positions of delegations regarding the various recommendations of the Third Committee have been made clear in the Committee and are reflected in the relevant official records.

The representative of the United Kingdom has asked to speak. Is it on a point of order?

Mr. RAVEN (United Kingdom): No, I wish to seek some clarification, given the statement of the Rapporteur. He announced, in referring to document A/45/764, the report on agenda item 108, on drug abuse, that the Assembly would be deferring action on draft resolution V because the Fifth Committee had not yet concluded consideration of this question. It is my understanding, and I should be grateful for some clarification, that the same is true regarding draft resolution IV under agenda item 12, document A/45/838, which is also currently under consideration in the Fifth Committee. I should be grateful for confirmation that this is the case.

The PRESIDENT: After consulting with the Chairman of the Fifth Committee and the Rapporteur of the Third Committee, the Chair is in a position to announce that action will not be taken on either draft resolution IV under agenda item 12 or draft resolution V under agenda item 108, today.

(The President)

May I remind members that, under paragraph 7 of decision 34/401, the General Assembly agreed that

"When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Third Committee, I should like to advise representatives that we shall proceed with the voting in the same manner as the Third Committee did. This means that where recorded or separate votes were taken in the Committee we shall do the same.

In addition, I hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the Third Committee, unless delegations have already notified the Secretariat otherwise.

I call on the representative of the United Kingdom.

Mr. RAVEN (United Kingdom): In connection with your comments on draft resolutions IV and V, Mr. President, may I say that I understand that, while the Fifth Committee has not concluded its business in connection with draft resolution IV, it has done so in respect of draft resolution V, which, I understand, has no financial implications. If that is indeed the case my delegation would be content that action should be taken today on draft resolution V.

The PRESIDENT: In reply to the representative of the United Kingdom I should point out that we are not in possession of the documentation relating to draft resolution IV under agenda item 12 or draft resolution V under agenda item 108. The Assembly will be in a position to take decisions on those draft resolutions only when that documentation is available.

The Assembly will now consider the report (A/45/764) of the Third Committee on agenda item 108, entitled "International action to combat drug abuse and illicit trafficking".

The Assembly will take decisions on three of the five draft resolutions recommended by the Third Committee in paragraph 38 of its report - draft resolutions I, II and III. Action on draft resolutions IV and V is postponed until the morning of Friday, 21 December, in order to give the Fifth Committee time to review their programme budget implications.

Draft resolution I, entitled "Implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances", was adopted by the Third Committee without a vote. May I take it that the General Assembly wishes to do the same?

Draft resolution I was adopted (resolution 45/146).

The PRESIDENT: Draft resolution II is entitled "Respect for the principles enshrined in the Charter of the United Nations and international law in the fight against drug abuse and illicit trafficking". It was adopted by the Third Committee without a vote. May I take it that the General Assembly also wishes to adopt it?

Draft resolution II was adopted (resolution 45/147).

The PRESIDENT: Draft resolution III is entitled "Implementation of the Global Programme of Action against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances". The Third

(The President)

Committee adopted draft resolution III without a vote. May I take it that the General Assembly also wishes to do so?

Draft resolution III was adopted (resolution 45/148).

The PRESIDENT: I call on the representative of Bolivia.

Mrs. ASHTON (Bolivia) (interpretation from Spanish): Mr. President, you said a moment ago that, as the Fifth Committee had not concluded its work, in respect of draft resolution IV in document A/45/764, no decision would be taken on that draft resolution today. But since the draft resolution has no financial implications, could we not take action on it today?

The PRESIDENT: We have taken note of the point raised by the representative of Bolivia.

There has been some confusion with regard to the draft resolution to which the representative of the United Kingdom referred. I am sorry about the present confusion. It seems we are now in a position to take action on draft resolution IV in document A/45/764. Therefore the Assembly will now take action on this draft resolution, which is entitled "International action to combat drug abuse and illicit trafficking". Draft resolution IV was adopted by the Third Committee without a vote. May I consider that the Assembly wishes to do likewise?

Draft resolution IV was adopted (resolution 45/149).

The PRESIDENT: As stated earlier, action on draft resolution V will be postponed until Friday.

We have concluded this stage of our consideration of agenda item 108.

The Assembly will now consider the report of the Third Committee (A/45/766) on agenda item 110, entitled "Enhancing the effectiveness of the principle of periodic and genuine elections". I shall now call on those representatives who wish to explain their vote before the voting.

Mr. PEÑALOSA (Colombia) (interpretation from Spanish): The delegation of Colombia would like to make a statement about draft resolution I, which we are considering and, furthermore, to exercise our right to state for the record our views on its content, and we are doing so in view of the unpredictable consequences of the implementation of this initiative.

The Government of Colombia reaffirms its strict respect for international law, particularly the Charter of the United Nations, and in this context Article 2, paragraph 7, and the norms of human rights which govern the principles concerning

(Mr. Peñalosa, Colombia)

the participation of peoples and individuals in their governments and their political systems.

We recognize, and we put into practice within our democratic system, what is laid down in article 21, paragraph 1, of the Universal Declaration of Human Rights of 1948, which states:

"Everyone has the right to take part in the government of his country, directly or through freely chosen representatives." (resolution 217 A (III))

Similarly, we consider that all States should abide by what is stated in article 1 of the International Covenant on Civil and Political Rights (resolution 2200 A (XXI), annex, part I) that all peoples have the right to self-determination and, in virtue of this, to establish their own political system.

Colombia is proud of having one of the oldest democracies in the world, and this has made it possible for us - for more 180 years - to hold free and periodic elections, in which all the different ideological trends of our nation have participated. We could also indicate, and this is significant, that this year we have held three national elections, the last of which was held on December 9 this year, with a view to electing 70 representatives to initiate reforms to the Constitution. This democratic tradition explains the reason why we can face up to a struggle with drug trafficking, in which the Colombian institutions and peoples have been receiving the most violent attacks in our history. Many other countries would not have been able to resist the bloodshed without having to waver in their task on how to accept the collapse of their system of government.

We accept that the electoral processes are fundamental for democratic Western systems, but we must not on that account fail to recognize the sensitivity involved in each of these processes. We cannot think in terms of universal models to be transplanted from one region to another without taking into consideration the

(Mr. Peñalosa, Colombia)

particular conditions of each social context, its traditions, the will of the people, and its juridical system. We have, first of all, constitutional matters which have to be taken into account and which cannot be changed externally since upon them depend the political equilibrium of the country and its legal and administrative functioning.

Casting a vote is an external democratic act that is what we think of first when we talk of elections. Nevertheless, that is not all that is implied in that process. There are rules which govern the system of registering the candidates, the voters, the counting of the votes, institutions which are in charge of security and avoiding unrest. Everything is designed to maintain internal order, which, in taking the initiative we are considering, will be exposed in the future to changes that may disrupt the constitutional and legal order of any country.

The delegation of Colombia considers that democracy has its own intrinsic measures of popular control, which in practice are what promotes its dynamism and development. The fact that the mandate of a representative can be renewed or not in the next term is in itself a way of forcing him to act in accordance with the interests of the electors who put him in office.

The electoral processes are among the most delicate mechanisms confronting governments. Therefore, external interference may have negative reactions. It is preferable for the nationals of the respective States, in charge, in practice, of applying and carrying out elections, to be able to go to other countries to learn and to exchange their experience bilaterally, in order to improve the conditions in so far as they are adaptable to their legal realities. To sum up, my delegation believes that the electoral processes are not a matter of promotion.

The experience of the United Nations in this area has been useful in the ad hoc cases which it has authorized in order to monitor and observe the electoral

(Mr. Peñalosa, Colombia)

processes. We know these have been exceptional cases relating, for example, to the processes of decolonization, or to the peace process in a regional context, or carried out at the express request of a given State for technical advice. In the proposal we are considering today there are no precedents that can be directly linked to the electoral processes in themselves. This has been possible without the existence of any new body in charge of elections. This shows that it is not necessary to establish any new unit or department, or whatever you want to call it. Furthermore, the same circumstances will make it possible for the United Nations to reject any request which may involve fraudulent processes.

(Mr. Peñalosa, Colombia)

The draft resolution now under consideration by the General Assembly would seem to be limited to a study - and a study that it is not even claimed would have any major repercussions on States. Nevertheless, we should bear in mind the genesis of the study and what has been said about this initiative by Heads of State or Foreign Ministers. From that we can conclude that we are not facing a simple study, since this draft resolution is but the first step towards the establishment of a unit within the Secretariat in New York that would be given the task of providing technical assistance in an institutional fashion, thus opening the door to the possible use of this "assistance" for other purposes.

For all those reasons, my delegation regards this draft resolution as inappropriate and therefore will vote against it.

Mr. MORA GODOY (Cuba) (interpretation from Spanish): The delegation of Cuba wishes to explain its vote on draft resolution I in document A/45/766; it is entitled "Enhancing the effectiveness of the principle of periodic and general elections".

In the Third Committee our delegation voted against this draft resolution as a whole and against the eighth preambular paragraph and operative paragraphs 10 and 11. At that time we asked for recorded votes on the draft resolution. We make the same request today, for the following reasons, which also motivated our request in the Committee:

First, the eighth preambular paragraph has to do with institutionalizing the opinions expressed by the Secretary-General in his annual report on the work of the Organization (A/45/1) about electoral processes. Although we do not challenge the Secretary-General's right to make observations on the development of the Organization, everyone knows that the personal opinions he has expressed on the subject of elections are not shared by a large number of delegations, nor could

(Mr. Mora Godoy, Cuba)

they agree with the result of any request made by the General Assembly or any other competent body that is not in keeping with a legislative mandate laid down in resolutions or decisions. For that reason, to take note of selective situations from the Secretary-General's report would be to break with our Organization's legislative practice.

Secondly, from the procedural point of view, this draft resolution contradicts resolution 44/146, which the General Assembly itself adopted last year and in which it gave a specific mandate to the Commission on Human Rights to consider this question. Nevertheless, that body did not consider it or make any recommendation on it to the General Assembly.

It is worth noting that it is precisely those who claim to defend the activities of the subsidiary bodies such as the Commission on Human Rights who are now disregarding that body's authority in a surreptitious and opportunistic way. At the last session of the Commission on Human Rights the sponsors of the draft resolution now before the Assembly never tried to bring this question to the negotiating table. We must therefore ask: Why this attitude and why now? Why force the General Assembly into making a hasty pronouncement without any previous study of the question by the relevant subsidiary body?

Thirdly, on the substantive question, we should like to state for the General Assembly's records Cuba's total and unambiguous opposition to what in our view is the real motive behind the draft resolution. It is a secret to no one that the real objectives are camouflaged in the draft resolution and are not reflected explicitly in it. They have been set forth in statements made before the General Assembly, in "talking points", and in the first versions of the texts, where we find the fundamental basis of the idea - that is, the creation of supranational machinery within the United Nations, which openly goes against the principles of the Charter and international law.

(Mr. Mora Godoy, Cuba)

In these unofficial documents there is no mention of requests to States for their opinions or of carrying out studies. What is mentioned is the appointment of a special co-ordinator for elections and the creation of this structure within the system; the establishment of an electoral commission composed of experts; the establishment of a separate United Nations programme for electoral assistance; and the direct participation of the Security Council in so-called operations for assistance with electoral processes.

It is precisely because of these objectives that are hidden in the draft resolution, and for the reasons given previously, that the Cuban delegation will oppose the draft resolution. We will not under any circumstances allow the sacred principles of the right of peoples to self-determination, equal sovereignty among States, and non-interference in the internal affairs of States to be breached, nor will we accept any proposal to that end.

Today there is great euphoria about the so-called new order. Pressure is exerted to ensure that no time is lost in creating machinery within the Organization aimed at breaching national sovereignty and using the United Nations for hegemonistic purposes. With this draft resolution, they want to go even further and interfere in the internal affairs of other States - not in the internal affairs of powerful States, of developed States, of States of the North, but in the affairs of the countries of the South. We wonder why they are promoting the creation of machinery for electoral assistance when not a single country anywhere is now asking for United Nations assistance with its electoral process, nor is there any trend in that direction. In an obvious inversion of the economic theory of supply and demand, the supply is being offered in order to create a totally non-existent demand. But, in any case, the objective is to have such a demand imposed by force.

(Mr. Mora Godoy, Cuba)

According to these interests, we, the peoples of the South, who do not have a correct system for electing our Governments and political institutions, must adopt the values of the industrialized Western world. For the peoples of the developing countries, the countries that won their independence in a struggle against colonialism, national electoral processes have always been a matter of the strict internal jurisdiction of our States and the fundamental expression of the exercise of national sovereignty, as these principles are laid down in international law, and particularly in the Charter of our Organization.

What is being discussed today in what seems to be an innocent text, a mere request for a study, is the beginning of an effort to shake the very foundations of our Organization: the purposes and principles upon which the Member States based this United Nations system. The delegation of Cuba, a founder Member of the United Nations, will not further this goal with its vote. In regard to this propaganda exercise, from which we have very little to learn, we wish to reiterate what our hero José Martí said: "History is study and judgement, not propaganda and incitement."

In conclusion, I should like to refer briefly to the following fact: The people of the fraternal Republic of Haiti have just concluded an electoral process in which they resoundingly and irrefutably expressed their sovereign will. We cannot end this statement without expressing our solidarity with that long-suffering people and our hope that they will find peace and the path to economic and social development to which they so legitimately aspire.

(Mr. Mora Godoy, Cuba)

From this rostrum we call on the international community - and particularly our Organization - to redouble its efforts to give effective and sustained support to the people and the recently elected Government of Haiti in the difficult task of ridding themselves of the consequences of Duvalierism, so that all Haitians may have a decent and worthy life. Our most important obligation begins precisely now, when the Haitian people are preparing to reap the fruits of their selfless struggle, as the master of their destiny in the full exercise of their independence and sovereignty. In this noble undertaking they can count on my delegation's resolute support.

Mr. MONTAÑO (Mexico) (interpretation from Spanish): In my delegation's view draft resolution I in document A/45/766 is an attempt to extend United Nations action beyond the purposes laid down in the Charter. My delegation therefore has serious difficulties about supporting a draft resolution in which the Assembly would express the opinion that the Organization could possibly intervene in national electoral processes on the basis of external considerations alien to the sovereign expression of the will of States.

Mexico is a country which deeply respects the principles governing its foreign policy and the principles of international law, including the principle of non-interference in the domestic affairs of States. We believe that elections are a subject that is within the sole competence of the citizens of each country, which must solve the problems involved in democracy without outside interference.

In view of what I have just said, my delegation cannot agree with the terms of the draft resolution entitled "Enhancing the effectiveness of the principle of periodic and genuine elections". In taking this position, we are not calling into question the international jurisdiction of the United Nations in promoting international co-operation to ensure the more effective exercise of human rights and fundamental freedoms. There can be no doubt about this central purpose of our Organization. The doubt, as far as my delegation is concerned, arises from the attempt being made to grant the United Nations new powers based on opinions that are alien to those of its Member States.

Consequently, my delegation will not be able to vote in favour of this draft resolution.

Ms. DU Yong (China) (interpretation from Chinese): The Chinese delegation has noted that the draft resolution about to be voted on includes such provisions as a condemnation of the South African apartheid system for denying its people the right to vote, an affirmation that all States have the right to choose

(Ms. Du Yong, China)

and develop freely their political, social, economic and cultural systems, and a recognition that there is no single political system or electoral method that is equally suited to all nations and their peoples.

The Chinese delegation agrees with those points. Nevertheless, we cannot go along with the main thrust of the proposal reflected in the draft resolution. As our delegation pointed out at the 61st meeting of the Third Committee, on 3 December, we believe that under the purposes and principles of the Charter the United Nations does not have the mandate, barring unforeseen circumstances, to intervene in the electoral matters of Member States. So far there has been no need for the United Nations to provide electoral assistance to Member States except in connection with decolonization and the resolution of regional conflicts jeopardizing world or regional peace and security. Therefore, it is not in keeping with the spirit and the provisions of the Charter that a draft resolution should affirm the professed value of the provision of electoral assistance by the United Nations to Member States and, consequently, there is no need to request the Secretary-General to seek the views of Member States concerning approaches to electoral assistance.

The Chinese delegation wishes to reiterate that electoral matters are the internal affairs of sovereign States and a State has the inherent right to choose its own political and electoral system in the light of its national conditions and in accordance with the will of its people. This right should not be subject to any form of external interference, including so-called electoral assistance provided by the United Nations.

Therefore, the Chinese delegation will vote against the draft resolution entitled "Enhancing the effectiveness of the principle of periodic and genuine elections".

The PRESIDENT: The Assembly will now take decisions on the two draft resolutions recommended by the Third Committee in paragraph 21 of its report (A/45/766) and on the draft decision recommended by the Third Committee in paragraph 22 of that report.

Draft resolution I is entitled "Enhancing the effectiveness of the principle of periodic and genuine elections".

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, Comoros, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Spain, Sri Lanka, Suriname, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: Angola, China, Colombia, Cuba, Iran (Islamic Republic of), Myanmar, Sudan, Viet Nam

Abstaining: Burkina Faso, Burundi, Ecuador, Ghana, India, Mali, Mexico, Peru, Syrian Arab Republic

Draft resolution I was adopted by 129 votes to 8, with 9 abstentions (resolution 45/150).*

The PRESIDENT: We now turn to draft resolution II, entitled "Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes".

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Dominica, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe

Against: Australia, Austria, Belgium, Bulgaria, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

---

* Subsequently, the delegations of Congo and Uganda advised the Secretariat that they had intended to abstain.

Abstaining: Byelorussian Soviet Socialist Republic, Costa Rica, Cyprus, Czechoslovakia, El Salvador, Honduras, Malta, Saint Kitts and Nevis, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Zaire

Draft resolution II was adopted by 111 votes to 29, with 11 abstentions (resolution 45/151).*

The PRESIDENT: The Assembly will now turn to the draft decision recommended by the Third Committee in paragraph 22 of its report (A/45/766).

This draft decision, which is entitled "Respect for the will of the people of Myanmar", was adopted by the Third Committee. May I take it that the General Assembly wishes to do the same?

The draft decision was adopted.

---

* Subsequently, the delegations of Czechoslovakia and Panama advised the Secretariat that they had intended to vote against.

The PRESIDENT: I shall now call on those representatives who wish to explain their votes.

Mrs. DINH THI MINH HUYEN (Viet Nam): My delegation voted against draft resolution I, entitled "Enhancing the effectiveness of the principle of periodic and genuine elections" and, contained in paragraph 21 of document A/45/766, since it is our view that electoral processes are within the sovereign jurisdiction of a country and its people. My delegation cannot accept initiatives that could violate the sovereign rights of States to decide freely on their own political system. Any attempt to establish a supranational mechanism in a matter that is purely within the national interests of States will violate the very principles of the Charter of the United Nations.

Mr. AUGUST (Haiti) (interpretation from French): I hope I shall be forgiven if I take the opportunity of this statement in explanation of vote to thank once again all those near and far, here or on the scene, within the United Nations and under its aegis, who have accompanied the Haitian people and Government in setting in train their electoral process.

As representatives know, the Haitian people have used their voting ballots. They have done so independently, with order and discipline, and have elected the candidate of their choice. Once again they have taken up yet another challenge. The road leading to democracy is far from being paved in a straight and smooth line. On the contrary, it is fraught with dangers and even traps. I would say, to paraphrase a great French writer of fables, that this is a sandy road going upwards - a difficult road exposed to the sun from all sides. There is, furthermore, a Creole proverb applicable to the difficulties inherent in any democratic endeavour; it says that you can force a donkey to go to a river but you cannot force it to take a drink. In other words, inculcating democratic values is a lengthy process. We need time and a constant and sustained determination that

(Mr. August, Haiti)

these values should become an integral part of a people's blood and part of its daily life, nourishing State structures and governmental direction and supervision mechanisms.

It was doubtless with that in mind that those who prepared draft resolution I confined themselves to an important though small phase of the democratic process, without considering the total ramifications of this process. It was no doubt motivated by a policy of small steps that lead to an eventual consensus. I am well aware of that, but it must be noted that in doctrinal terms the 1950s were ahead of the times. The concept of democracy based on solidarity was gaining ground in Latin America and the Tobar doctrine prohibiting presidents from being re-elected was one of the main stipulations in the treaty linking the countries of Central America. How we have regressed since that time! We do not know for what reason, or under the pressure of what kind of ideological polarization in the world, but everything tilted towards authoritarianism. Now that calm is on the horizon and ideology is losing its hard comparative edge and terrifying power, only democratic progress encouraged by the United Nations and renewed in accordance with the individual needs of countries will help to prevent or mitigate the resurgence of latent nationalism.

In the future a draft resolution similar to draft resolution I should cover all aspects of the democratic process in order to prevent the violation or diversion of popular sovereignty.

I cannot conclude without addressing a special word of thanks to the Cuban delegation, which has paid a tribute to the Haitian people for what they have done in the difficult circumstances we have just witnessed. I hope that the Haitian example will serve as a compass and guide for all those who wish to commit themselves to democracy once and for all.

The PRESIDENT: We have concluded our consideration of agenda item 110.

We turn next to parts I and II of the report of the Third Committee (A/45/838 and Add.1) on agenda item 12, entitled "Report of the Economic and Social Council".

I shall now call on those representatives who wish to explain their vote before the voting.

Mr. CASTANEDA CORNEJO (El Salvador) (interpretation from Spanish): Once again the situation regarding human rights and fundamental freedoms in El Salvador has been under consideration. Many delegations have expressed concern at the continuation of armed confrontation and the recent military escalation by the Farabundo Marti Front for National Liberation (FMLN), which have added a whole new dimension to the armed conflict in my country, with consequences for all areas of national life - in particular, their negative impact in the area of respect for human dignity.

We should like to thank those delegations and the United Nations for their support for a negotiated political solution between the Government of El Salvador and the FMLN - the solution that is the approppriate means to meet the wishes and aspirations of the people of El Salvador.

On various occasions in the last decade processes of dialogue or negotiation have been initiated aimed at putting an end to the armed confrontation in El Salvador, and each time hopes have been generated among the people and in the international community. But these were in the end dashed hopes because these processes were broken off. The most recent example was the suspension at the end of last year of the dialogue-negotiation process begun by the administration of President Alfredo Cristiani - a suspension caused primarily by the military offensive of 11 November 1989.

(Mr. Castaneda Cornejo, El Salvador)

It is a matter for concern, therefore, that the negotiating process resumed in April 1990 under the Secretary-General's auspices could have been thwarted because of the recent escalation of the armed struggle in El Salvador by the FMLN. Through its use of ground-to-air missiles it has added a new dimension to the military action, which could lead to further intensification of the armed conflict. That would have politically destabilizing effects on the Government of El Salvador, with negative consequences for the entire Central American region. That escalation of warfare has already taken a regrettable toll of innocent victims not only among the combatants but also among the civilian population, which has been a victim of the FMLN's escalation of its military activities.

My Government is convinced that the continued armed conflict is the principal obstacle to overcoming the economic, political and social situation at the root of the main violations of the human rights of the Salvadoran people.

We are convinced that a cease-fire and a complete end to armed conflict is a sine qua non for the attainment of peace, progress, development and reconciliation among all Salvadorans and for the protection and promotion of the basic rights of our people. So long as war persists it will cause political and social destabilization, fostering, among minority and radicalized elements, behaviour contrary to human rights, such as murder, maiming, attacks on the national economy, sabotage, and boycotting of our main exports. Such actions have a negative impact on the lives of Salvadorans, especially the poorest among them.

For that reason, and in a constructive and conciliatory spirit, my Government reaffirms that it embarked on its administration promising to do everything in its power to put an end to the armed conflict, and with the political will to continue to seek by peaceful ways, formulas and mechanisms that would make it possible to clear the path to peace as quickly as possible and to consolidate a broad-based,

(Mr. Castaneda Cornejo, El Salvador)

democratic and pluralistic process with unquestioned political space for the entire political and ideological spectrum. Through periodic genuine elections, that process would give every political organization a chance to attain power legitimately.

My Government is convinced of the need to put an end to armed conflict, and as proof of its wish to meet that desire of the Salvadoran people it remains unswervingly committed to achieving peace through continuing the negotiating process begun under the auspices of the Secretary-General in conformity with the commitments undertaken at Geneva on 4 April 1990 and at Caracas on 21 May 1990. Those commitments set out the purpose of putting an end to the conflict by means of negotiations through a continuous and uninterrupted process leading to political agreements concerning the cessation of armed confrontation and of any act that ignores the rights of the civilian population, in accordance with an agenda established earlier.

Of special note in that context are our confidential talks with the FMLN held in Mexico at the end of October, in which we reaffirmed our objectives. In an effort to overcome the differences and obstacles that had blocked the negotiating process we agreed to strengthen that process and to strengthen the mediating role of the Secretary-General. It was decided to lay greater stress on an active role for the Secretary-General and on the circumspect character of ongoing direct meetings. This has generated new and encouraging hopes for a peaceful solution to the Salvadoran conflict, which we hope will take effect in such a way as to promote the speediest possible achievement of the political agreements necessary to permit a reversal of armed activity and to put an end to the violence afflicting the Salvadoran people.

(Mr. Castaneda Cornejo, El Salvador)

Of importance is the adoption of the first substantive agreement in the process of negotiations between the Government and the FMLN on human rights; this was signed in San Jose, Costa Rica, on 26 July 1990. As noted in the report on El Salvador of the Special Representative, Mr. Jose Antonio Pastor Ridruejo, this agreement has already begun to bear fruit. Its full implementation, including the creation of special machinery for international monitoring by the United Nations, will help improve the human rights situation in El Salvador. Both parties have undertaken to respect the agreement - in particular my Government, because of the inherent obligation on the part of the State to protect and respect human rights in accordance with its Constitution and relevant international obligations.

At a time of changes in the structure of international society, in an ongoing process within which the politics of force is being replaced by legal and political machinery for resolving the major problems and conflicts facing many countries, it is not utopian but entirely rational that we in El Salvador should call for the abandonment of extremist positions in favour of reconciliation within society and the encouragement of creative ways of achieving just and lasting peace. Increased armed action and the escalation of warfare will not advance the negotiating process; to the contrary, we consider that they will only encourage those who want to thwart or frustrate that process in the obsessive belief that only the armed, violent option can work in El Salvador.

In that connection, I wish to stress that at the recent summit of Central American Presidents, held at Puntarenas, Costa Rica, the President of El Salvador, Mr. Alfredo Cristiani, said that

"we continue to be determined to find peace in our country by the civilized means of negotiation. We do not believe in war. We do not want war. In our commitment to peace and peace-making, we have never wavered or flinched, even

(Mr. Castaneda Cornejo, El Salvador)

in the most difficult times. Through deep conviction and through our reading of history, we know that no peace can be based on violence. In El Salvador we want a peace manifested in full, modern democracy . ... The number-one priority of our Government remains peace and will remain so throughout our term of office. The channels of negotiation are open and as far as we are concerned will remain open. No one and nothing can make us deviate from that line of conduct, which is in keeping with our explicit mandate from the people of El Salvador."

In connection with draft resolution XXII, "Situation of human rights and fundamental freedoms in El Salvador", -

The PRESIDENT: I request the representative of El Salvador to end his statement, as his 10 minutes are up.

Mr. CASTANEDA CORNEJO (El Salvador) (interpretation from Spanish): In connection with draft resolution XXII, "Situation of human rights and fundamental freedoms in El Salvador", contained in the report of the Third Committee (A/45/838) on agenda item 12, "Report of the Economic and Social Council", we must observe that we are not fully satisfied with its content, as it does not include all the elements necessary for a complete and clear picture of the many factors that influence the complex situation in El Salvador, particularly those that constitute an obstacle to resolving the conflict. But as a token of good faith and understanding, the Government of El Salvador accepted the text of the draft resolution in order to make it possible for the Third Committee to adopt it without a vote. We hope the General Assembly too will adopt draft resolution XXII without a vote.

Mr. HURST (Antigua and Barbuda): At the opening of the forty-fourth and forty-fifth sessions of the General Assembly, Antigua and Barbuda called attention to the plight of the world's indigenous peoples. We have urged that 1992 be

(Mr. Hurst, Antigua and Barbuda)

designated the International Year for the World's Indigenous Peoples. The draft resolution before us today, draft resolution XIV of document A/45/838, proclaiming 1993 as International Year for the World's Indigenous People, contains many of the elements we would have included in any draft resolution to address this issue. Antigua and Barbuda will nevertheless be compelled to abstain when a vote is taken, for the following reasons.

(Mr. Hurst, Antigua and Barbuda)

First, my delegation is of the view that the draft resolution is devoid of resolve and therefore does not project a point of view. We believe that the draft resolution should have made reference to the 500-year history of the collision between explorers and indigenous peoples. We believe that the draft resolution should be explicit in taking into account the concerns and the perils faced by indigenous victims today. More than 200,000 indigenous people world-wide perished by violent means in the calendar year 1989, and the carnage of indigenous peoples in the Caribbean and the Americas after 1492 has been well documented. The draft resolution before us does not convey a yearning to correct historical and current injustices.

Secondly, my delegation thinks it would be more apt to designate 1992 as the year in which the United Nations would pay a special tribute to indigenous peoples. We are mindful that our sentiments may appear to be focused exclusively on the indigenous peoples of the Caribbean and the Americas; they are not. Yet it is the quincentennial of Columbus' arrival in the Caribbean and the Americas in 1492 which has served as the spark to ignite our fervent rejection of a frivolous celebration of that arrival. We seek instead to augment human rights concerns for the protection of indigenous peoples throughout the world in that significant year.

May I add that my countrymen do not accept the view that Columbus "discovered the new world". Undoubtedly it was his accidental encounter with the Caribbean and the Americas which set off the trip-wire of today's history to the benefit of some and to the evident detriment of the indigenous peoples of the world. In 1492, when Columbus and his sailors were discovered by the Arawakian Lucayos on the beach of a Bahama island, there existed in the Caribbean and the Americas many civilizations - several flourishing, others in various stages of decline. A number of Caribbean scholars and others from the region have written extensively on the collision of these two worlds. In fact, Ivan van Sertima, a highly respected historian and

(Mr. Hurst, Antigua and Barbuda)

ethnographer from Guyana, has conclusively demonstrated that Asiatic and African peoples came to the Americas long before Columbus. It was, however, the encounter in 1492 and the colonization of the Caribbean and the Americas thereafter that made the greatest historical impact on that region. For that, Columbus is certainly an historic figure and his first voyage worthy of recall.

Nevertheless we would like to think that, in providing a platform for the downtrodden and the weak, the victimized and the powerless, our United Nations could also be relied upon to unearth the facts, to expose injustice, to promote peaceful coexistence, and to champion truth. Since the draft resolution before us fails fully to achieve these ends, Antigua and Barbuda is compelled to request a vote on draft resolution XIV. It is my understanding that at least one sponsor of this draft resolution shares the views expressed by my delegation, and that sponsor intends to work with my delegation towards the improvement of subsequent resolutions bearing on the protection of indigenous peoples.

Mrs. KODIKARA (Philippines): I should like to say a few words about draft resolution XX, entitled "The situation of human rights in occupied Kuwait". While the Philippines had supported this draft resolution in the Third Committee, it now joins in sponsoring it. The Philippines has the honour to be a sponsor of this draft resolution.

The PRESIDENT: The Assembly has before it 24 draft resolutions and two draft decisions recommended by the Third Committee in part I of its report (A/45/838) and one draft resolution recommended by the Third Committee in part II (A/45/838/Add.1). The Assembly will take a decision on only 23 of the 24 draft resolutions contained in part I of the report of the Third Committee, that is, draft resolutions I to III and V to XXIV. As regards draft resolution IV, action on it is postponed until Friday, 21 December, in the morning in order to give the

(The President)

Fifth Committee time to review the programme budget implications of the draft resolution.

I shall put the recommendations of the Third Committee to the Assembly one by one, with the exception of draft resolution IV. After all the decisions have been taken, representatives will again have an opportunity to explain their vote.

The Assembly will now take a decision on 23 of the 24 draft resolutions recommended by the Third Committee in paragraph 109 of part I of its report and on the two draft decisions recommended by the Third Committee in paragraph 110 of the same document.

We shall first proceed to take a decision on the draft resolutions.

Draft resolution I is entitled "Status of the Convention on the Prevention and Punishment of the Crime of Genocide". The Third Committee adopted this draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

Draft resolution I was adopted (resolution 45/152).

The PRESIDENT: Draft resolution II is entitled "Human rights and mass exoduses". The Third Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 45/153).

The PRESIDENT: Draft resolution III is entitled "Assistance to refugees in Somalia". The Third Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution III was adopted (resolution 45/154).

The PRESIDENT: Draft resolution V is entitled "World Conference on Human Rights". The report of the Fifth Committee on the budget implications of the draft resolution is contained in document A/45/843/Rev.1. This draft resolution was

(The President)

adopted by the Third Committee. May I take it that the Assembly wishes to do the same?

Draft resolution V was adopted (resolution 45/155).

The PRESIDENT: Draft resolution VI is entitled "Assistance to voluntary returnees and displaced persons in Chad". The Third Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution VI was adopted (resolution 45/156).

The PRESIDENT: Draft resolution VII is entitled "Humanitarian assistance to refugees and displaced persons in Djibouti". In the Third Committee the draft resolution was adopted without a vote. May I consider that the Assembly wishes to do the same?

Draft resolution VII was adopted (resolution 45/157).

The PRESIDENT: Draft resolution VIII is entitled "Draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families". The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/45/844. The Third Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution VIII was adopted (resolution 45/158).

The PRESIDENT: We turn now to draft resolution IX, entitled "Assistance to refugees and displaced persons in Malawi". The Third Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution IX was adopted (resolution 45/159).

The PRESIDENT: We turn now to draft resolution X, entitled "Situation of refugees in the Sudan". The Third Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution X was adopted (resolution 45/160).

The PRESIDENT: Draft resolution XI is entitled "Assistance to refugees and returnees in Ethiopia". The Third Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution XI was adopted (resolution 45/161).

The PRESIDENT: Draft resolution XII is entitled "Summary or arbitrary executions". The Third Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution XII was adopted (resolution 45/162).

The PRESIDENT: Draft resolution XIII is entitled "Strengthening of United Nations action in the human rights field through the promotion of international co-operation and the importance of non-selectivity, impartiality and objectivity". The Third Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution XIII was adopted (resolution 45/163).

The PRESIDENT: We turn now to draft resolution XIV, entitled "International Year for the World's Indigenous People".

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: None

Abstaining: Antigua and Barbuda, Dominica, Grenada, Guyana*

Draft resolution XIV was adopted by 150 to 0, with 4 abstentions (resolution 45/164).

The PRESIDENT: We come next to draft resolution XV, entitled "Question of enforced or involuntary disappearances". The Third Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution XV was adopted (resolution 45/165).

The PRESIDENT: Draft resolution XVI is entitled "Human rights in the administration of justice". The Third Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution XVI was adopted (resolution 45/166).

The PRESIDENT: Draft resolution XVII is entitled "Regional arrangements for the promotion and protection of human rights". The Third Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution XVII was adopted (resolution 45/167).

The PRESIDENT: Draft resolution XVIII is entitled "Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region". The Third Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution XVIII was adopted (resolution 45/168).

---

* Subsequently, the delegation of Guyana advised the Secretariat that it had intended to vote in favour.

The PRESIDENT: Draft resolution XIX is entitled "International co-operation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms". The Third Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution XIX was adopted (resolution 45/169).

The PRESIDENT: Draft resolution XX is entitled "The situation of human rights in occupied Kuwait".

Mr. AL-ANBARI (Iraq): I should like to raise a point of order, Mr. President, regarding the Assembly's authority to make any recommendation concerning this item. With all due respect, I believe that the General Assembly has no authority whatsoever under the Charter to make any recommendation.

Mr. RAZZOOQI (Kuwait): On a point of order, Mr. President -

Mr. AL-ANBARI (Iraq): May I refer to Article 12 of the Charter, which says:

"While the Security Council is exercising in respect of any dispute" -

The PRESIDENT: May I interrupt the representative of Iraq. The representative of Kuwait has asked to raise a point of order.

Mr. RAZZOOQI (Kuwait): I think that the representative of the Iraqi régime is out of order, because we are already in the process of voting, and if a matter is to be raised it must concern the conduct of the voting, not any issue. I hope, Mr. President, you will make that clear to the representative of Iraq.

The PRESIDENT: The representative of Iraq may proceed with his statement.

Mr. AL-ANBARI (Iraq): In raising my point of order I have in mind Article 12 of the Charter, which, with permission, I shall read out. It says:

"While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests."

As you know, Mr. President, the Security Council has been seized of the so-called item, "The situation between Iraq and Kuwait", since 3 August, and since that date it has adopted 12 resolutions, in each of which it has confirmed that it will be seized permanently of that item. Moreover, most of those resolutions cover almost every operative paragraph in the draft resolution now before the Assembly. So, with all due respect, I believe that the Assembly has no right or authority to discuss a matter that is, and has been, under consideration by the Security Council.

Article 12 is such an important part of the Charter that it is referred to in most of the Articles concerning the functions and powers of the Assembly. For example, Article 10, which determines the Assembly's general functions, says:

"The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs ... except as provided in Article 12" ...

Again, paragraph 2 of Article 11 says:

"The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it" ...

In this respect, the Assembly has to observe the prohibition in Article 12.

(Mr. Al-Anbari, Iraq)

Article 14 says:

"Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations ...".

From the reference in this part of the Charter to Article 35, paragraph 2, and the exception provided for in Article 12 it is clear that in exercising its functions the General Assembly must observe the authority and jurisdiction of the Security Council.

I am fully aware that in the past the Assembly has not strictly observed the prohibition in Article 12, but I believe that when it fails to do so it is compromising its moral authority vis-à-vis its member States and world public opinion.

(Mr. Al-Anbari, Iraq)

I assume that in the absence of any judicial review regarding the constitutionality of the decision of the Assembly, it is of utmost importance that we members of the General Assembly exercise self-restraint in authorizing or voting any recommendation. For that reason I leave it to the wisdom of the President to rule whether or not, in view of Article 12 of the Charter, the Assembly has the authority to make any recommendation concerning this item.

The PRESIDENT: The statement of the representative of Iraq will appear in the record of the meeting.

In my view, the General Assembly is competent to take action on the draft resolution before it. I shall now proceed to put draft resolution XX to the vote.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Albania, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist

Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: Iraq

Draft resolution XX was adopted by 144 to 1 (resolution 45/170).

The PRESIDENT: Draft resolution XXI is entitled "Assistance to student refugees in southern Africa". The draft resolution was adopted by the Third Committee without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution XXI was adopted (resolution 45/171).

The PRESIDENT: Draft resolution XXII is entitled "Situation of human rights and fundamental freedoms in El Salvador". The draft resolution was adopted by the Third Committee without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution XXII was adopted (resolution 45/172).

The PRESIDENT: Draft resolution XXIII is entitled "Situation of human rights in the Islamic Republic of Iran". The draft resolution was adopted by the Third Committee. May I take it that the Assembly wishes to do the same?

Draft resolution XXIII was adopted (resolution 45/173).

The PRESIDENT: Draft resolution XXIV is entitled "Situation of human rights in Afghanistan". The draft resolution was adopted by the Third Committee without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution XXIV was adopted (resolution 45/174).

The PRESIDENT: We turn now to the two draft decisions recommended by the Third Committee in paragraph 110 of Part I of its report (A/45/838).

Draft decision I, "United Nations Voluntary Fund for Indigenous Populations", was adopted by the Third Committee without a vote. May I take it that the General Assembly wishes to do the same?

Draft decision I was adopted.

The PRESIDENT: Draft decision II is entitled "Non-discrimination and protection of minorities". The Third Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do likewise?

Draft decision II was adopted.

The PRESIDENT: I now invite representatives to turn to the draft resolution recommended by the Third Committee in paragraph 22 of Part II of its report (A/45/838/Add.1).

The draft resolution, "Rationalization of the work of the Third Committee", was adopted by the Third Committee without a vote. May I take it that the General Assembly wishes to do the same, subject to the decision the Assembly will take on Friday, 21 December 1990, in connection with draft resolution V contained in paragraph 38 of the report of the Third Committee on agenda item 108 (A/45/764) and in connection with draft resolution IV in paragraph 109 of Part I of the report of the Third Committee on agenda item 12 (A/45/838)?

The draft resolution was adopted (resolution 45/175).

The PRESIDENT: I shall now call upon those representatives wishing to make statements in explanation of vote after the voting.

Mr. ERDOS (Hungary) (interpretation from French): I have the honour to speak at this meeting on behalf of the delegations of Austria, Czechoslovakia, Italy, Yugoslavia and Hungary, members of the Pentagonale Co-operation Group, to explain our position with regard to decision II, which was just adopted by the General Assembly without a vote.

There is a growing world awareness that the solution of questions relating to national, ethnic, religious and linguistic minorities is of crucial importance in international relations. Unresolved problems in this field can create a serious challenge to social stability, democracy and human rights in our countries and may

(Mr. Erdos, Hungary)

represent a potential threat to international peace and security and to respect for the principles enshrined in the United Nations Charter.

The broad scope of human rights instruments adopted within the United Nations system should be further extended to cover in a comprehensive manner one important specific human rights area, namely, the protection of national, ethnic, religious and linguistic minorities. The establishment of norms in this area should focus on respect for the rights of those minorities and persons belonging to them freely to express, preserve and develop their ethnic, cultural, linguistic and religious identity, for that is the very essence of any system of minority protection.

As a result of the combined efforts of the five countries of the Pentagonale Co-operation Group, inter alia, higher international standards of behaviour elaborated within the process of the Conference on Security and Co-operation in Europe (CSCE) have recently been endorsed in the Charter of Paris for a New Europe at the recently concluded summit meeting of the 34 participating States. In it, the participants expressed their determination to improve further the situation of national minorities, reiterated the importance of the protection and promotion of their identity and stressed the need for increased mutual co-operation in this field.

The United Nations in turn has also felt a growing need to undertake an in-depth study of the question of the protection of minorities. Accordingly, it established, at the initiative of Yugoslavia, an open-ended working group to draft a declaration on the protection of national, ethnic, religious and linguistic minorities. The countries of the Pentagonale Co-operation Group welcome the fact that, 12 years later, the full text of the draft declaration has been completed in the first reading. They earnestly hope that that draft declaration might be adopted in the near future by the General Assembly, without any further delay.

(Mr. Erdos, Hungary)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights has also been dealing for some time now with possible ways and means of facilitating a constructive and positive solution of problems involving minorities. The progress made in the working group within the last year and the establishment of a more favourable international climate in which human rights can play their true role fully justify the initiatives the Third Committee took during the present session of the General Assembly to give more impetus to the work on drafting the declaration by, inter alia, formulating in the form of a General Assembly resolution certain general guidelines for the protection of minorities.

Numerous consultations and the statements we heard during the debate in the Third Committee on the minority issue clearly indicated that, notwithstanding certain understandable differences in the approaches, there is an emerging consensus on the universal importance of this issue and the absolute need to deal with it appropriately. The delegations of Austria, Czechoslovakia, Italy, Yugoslavia and Hungary, while welcoming the adoption of draft decision II, in which the Commission on Human Rights is encouraged to complete the final text of the draft declaration as soon as possible, express their readiness to continue the discussion of the question of the protection of minorities and to further promote a constructive dialogue and standard-setting activity within the United Nations on this crucial area of relations between States.

Mr. ZUZE (Zambia): My delegation has asked to speak in order to explain its vote on draft resolution XX, entitled "The situation of human rights in occupied Kuwait".

It is not our usual practice to explain our votes, either before or after the voting on an item. However, I am now compelled to make this explanation regarding

(Mr. Zuze, Zambia)

the resolution on human rights in occupied Kuwait because of the misunderstanding about our vote in the Third Committee and the apparent distortions to which it has been subjected.

Quite frankly, I am as surprised at the reaction to our vote as others are that we voted the way we did. Zambia has been unequivocal and unwavering in its condemnation of the invasion of Kuwait and in calling for the total and unconditional withdrawal of Iraq from Kuwait. Our position remains unchanged today. Zambia has maintained a similar position on all occupied territories, including the Arab territories occupied by Israel, which we have constantly called upon to withdraw. It is in fact because of this firm and principled stand that my delegation abstained in the Third Committee during the voting on this draft resolution.

My delegation believes that at issue in Kuwait is the question of occupation, plain and simple. The solution is likewise plain and simple: withdrawal. In our view, this resolution glosses over the real issue and has the effect of legitimizing the occupation of Kuwait. What the resolution is saying is that as long as the occupying Power respects human rights in the occupied territory everything is okay. This connotation will naturally have the effect of contradicting our demand for a total withdrawal by the occupying Power.

Secondly, Zambia takes the issue of human rights violations very seriously, wherever such violations occur. For this reason Zambia always prefers that United Nations resolutions on this important subject be based on reports of the Special Representative of the Commission on Human Rights for the affected areas. Unfortunately, the present resolution has no such report to back it up. In so saying, we are in no way passing judgement on the validity or lack of validity of the alleged violations that are the subject of the present resolution. What we are

(Mr. Zuze, Zambia)

saying, simply, is that it is absolutely imperative that a report by an impartial observer be submitted to the United Nations and that this report form the basis of future resolutions on the matter.

It will be recalled that my delegation consistently abstained on a similar resolution on the human rights situation in Iran. This year, however, my delegation joined the consensus on that resolution following the long-delayed visit to Iran by the Special Representative of the Commission on Human Rights and his submission of a report that formed the basis of this year's resolution.

The precedent that would be set by adopting resolutions without the backing of independent reports is obviously dangerous. It is likely to lead to a proliferation of allegations of human rights abuses in various countries and regions, allegations which those making them will not be compelled to substantiate before apportioning blame. Ultimately, the genuine concern about human rights breaches will be lost in a matrix of political alliances and enmities between and among Member States.

With regard to the text of the resolution to which I am referring, my delegation had some reservations on operative paragraph 4. While we have no difficulty with the sentiments of the paragraph, we are of the view that it appears to criticize the United Nations Security Council embargo on Iraq, which also apparently covers Kuwait. We say this because, in the conditions of a blockade as currently imposed by the United Nations on Kuwait, we cannot realistically expect living conditions not to be difficult. In other words, the United Nations embargo is partly responsible for the present state of the living conditions in Kuwait, while the invasion accounts for the other part. To criticize the difficult conditions brought about in part by the embargo is therefore to criticize the embargo itself.

(Mr. Zuze, Zambia)

In order not to stand in the way of what appears to be a universal sentiment on this issue, my delegation decided to cast an affirmative vote in the plenary Assembly. I would be grateful, however, if our statement in explanation of vote could be reflected in the records of this plenary meeting.

Mr. SKIBSTED (Denmark): I have the honour of making a statement in explanation of position on behalf of the Nordic countries - Finland, Iceland, Norway, Sweden and Denmark - regarding the just-adopted resolution, entitled "Strengthening of United Nations action in the human rights field through the promotion of international co-operation and the importance of non-selectivity, impartiality and objectivity".

The Nordic countries joined the consensus on this resolution. We did so on the understanding that neither the resolution as a whole nor any part of it should be interpreted as implying that action performed for the promotion or protection of human rights and fundamental freedoms could be considered as interference in the internal affairs of a State. On the contrary, the promotion of universal respect for and observance of human rights and fundamental freedoms for all is an obligation undertaken by Member States under the Charter of the United Nations.

In order to improve the United Nations position in the human rights field, we think it is of paramount importance to enhance the efficiency of the Commission on Human Rights and in particular to strengthen its monitoring mechanisms, such as the special rapporteurs and working groups.

Mr. KRENKEL (Austria): I should like to explain the position of my delegation's position on draft resolution XII, entitled "Summary or arbitrary executions", contained in document A/45/838.

The Special Rapporteur of the Commission on Human Rights on summary or arbitrary executions, Mr. Amos Wako, concluded in his latest report to the Commission that the phenomenon of summary or arbitrary executions is unfortunately still prevalent in many parts of the world. Armed conflict causing the death of civilians, political assassinations, illegal and/or excessive use of force by law-enforcement or security-force personnel, death in custody and executions without trial, or with a trial but without the safeguards to protect the rights of the defendant, are also widespread phenomena.

Austria is particularly concerned about the increasing and alarming trend towards subjecting judges, lawyers, human rights activists and human rights defenders, trade unionists, journalists, eye witnesses and members of opposition groups, including political parties or members of minorities, to summary or arbitrary executions in violation of the most basic human rights. That is why article 6 of the Covenant clearly states that every human being has the inherent right to life, and that no one shall be arbitrarily deprived of his life.

A recent, appalling example is the massacre of 2 December in Santiago Atitlán, where 13 Indians, including children, were killed.

In this context, the Austrian delegation would also like to underline the importance of implementing the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council in its resolution 1989/65 of May 1989. In keeping with these Principles, we urgently call on the Guatemalan authorities to investigate that abhorrent massacre and to bring the perpetrators to justice without delay.

Mr. WALDROP (United States of America): The United States did not participate in the General Assembly's adoption of the following six draft resolutions, which the Third Committee had submitted in its report on item 12 (A/45/838): draft resolution III, "Assistance to refugees in Somalia"; draft resolution VI, "Assistance to voluntary returnees and displaced persons in Chad"; draft resolution VII, "Humanitarian assistance to refugees and displaced persons in Djibouti"; draft resolution IX, "Assistance to refugees and displaced persons in Malawi"; draft resolution X, "Situation of refugees in the Sudan"; and draft resolution XI, "Assistance to refugees and returnees in Ethiopia".

My delegation would like to make it clear that the United States is deeply concerned with the situation of refugees in Africa. Year after year, the United States has been the largest donor of bilateral assistance intended to help address these problems. Furthermore, we intend to continue our active support and involvement.

On the other hand, the United States believes that it would have been more appropriate and more effective for the General Assembly to adopt one comprehensive resolution addressing these problems in all six countries. In its deliberations this year the Third Committee made very substantial progress in seeking to rationalize its work and reduce duplication. That makes the case for combining these six draft resolutions even more compelling than it was in the past.

On a substantive level, two of the draft resolutions included provisions that the United States considers unsuitable. In relation to draft resolution III, "Assistance to refugees in Somalia", we especially regret references to resumption of the Interim Programme for emergency assistance. In our view, it would be inappropriate for the United Nations to reactivate that Programme until it has been possible to reach agreement on a broader framework that involves the entire donor

(Mr. Waldrop, United States)

community. As a matter of importance, this improved approach should include security measures that will ensure the personal safety of United Nations staff. In addition, the United States would like to indicate that certain elements of draft resolution X, "Situation of refugees in the Sudan", seemed to us inaccurate or inappropriate.

Mr. AL-SAMEEN (Oman) (interpretation from Arabic): At the outset, Sir, I thank you for this opportunity to express the reservations of my Government and to explain our position with regard to the draft international Convention on the Protection of the Rights of Migrant Workers and Members of Their Families, adopted just a few minutes ago. Oman joined in the adoption by consensus of the draft Convention for the Protection of the Migrant Workers and Members of Their Families contained in the annex to draft resolution VIII, because we believe in the importance of the pioneering and ambitious objectives of the Convention, which uphold many principles of justice, protect migrant workers and their family members and define clearly their rights and obligations. The Sultanate of Oman, however has some reservations concerning the draft Convention contained in the Annex to draft resolution VIII under the item relating to the report of the Economic and Social Council, which was discussed by the Third Committee during this session.

The following are the articles about which we have reservations:

First: article 20, which provides that no migrant worker or member of his or her family shall be imprisoned merely on the ground of failure to fulfil a contractual obligation, or be deprived of his or her authorization of residence or work permit or expelled merely on the ground of failure to fulfil an obligation arising out of a work contract. This article imposes some restrictions on the competent authorities in the country to keep discipline in the ranks of those workers or to make them discharge their contractual obligations with their own employers.

(Mr. Al-Sameen, Oman)

Secondly: with regard to article 25, which provides that migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment and stipulates that it shall not be lawful to derogate in private contracts of employment from the principle of equality of treatment and that the States parties shall take all appropriate measures to ensure that migrant workers are not deprived of any rights, we find that this article restricts the freedom of action by the State of employment in providing a measure of protection for the indigenous work force against undue competition by the migrant workers while it gives the right to the migrant workers to enjoy legal protection by the State of employment even when there are irregularities in their stay or employment.

(Mr. Al-Sameen, Oman)

Thirdly: article 30 provides that each child of a migrant worker shall have the right of access to education on the basis of equality of treatment with nationals of the State of employment and that access to pre-school education institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the State of employment. We find that this may run counter to the systems in place in some countries, which provide that foreign migrant workers and members of their families lose the right to enjoy any advantages or rights once their stay in the country becomes illegal.

Fourthly: article 43 provides that migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to access to educational institutions and services and to other services; article 44 accords the same rights to family members. There is no doubt that, sometimes, the circumstances of some countries would make it necessary to reorganize such services. This would make it difficult to implement the principle of full equality of access by migrant workers to services provided by the State.

Fifthly: article 54 provides that migrant workers, without prejudice to the terms of their authorization of residence or their permission to work provided for in articles 24 and 27 of the Convention, shall enjoy equality of treatment with nationals of the State of employment. In some respects, this may not be consonant with the development plans of some countries, and may contravene the rules applied by reason of national considerations in such countries.

(Mr. Al-Sameen, Oman)

Sixthly: article 27 provides that, with respect to social security, migrant workers and members of their families shall enjoy in the State of employment the same treatment granted to the nationals of the State. This is a difficult commitment to comply with in some countries, particularly those which are inexperienced in social security matters.

Seventh: article 40 gives migrant workers and members of their families the right to form associations and trade unions in the State of employment for the promotion and protection of their economic, social, cultural and other interests. This is rather difficult to apply in some countries, because it gives freedom and rights to workers, sometimes against the interests of the country and the interest of work. Full freedom to migrant workers to form associations will lead to grave problems that may have negative effects on the interests of the country.

Eighth: article 12 of the Convention gives migrant workers and members of their families the right to worship individually or in community with others and in public or private, and to practice their rituals publicly. This article is difficult to implement, in Islamic countries in particular, because Islam does not allow the freedom to propagate or practice beliefs, especially the paganistic.

Ninth: article 13 gives migrant workers and members of their families the right, inter alia, to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds regardless of frontiers, either orally, in writing or in print. This article might also be difficult to implement in some countries, if security and social considerations are taken into account.

(Mr. Al-Sameen, Oman)

Tenth: the Convention gives migrant workers and their families the right of freedom of movement, even when they are in violation of the law or are on trial. In some countries, however, their movement is restricted by reason of considerations to do with their employment, the national interest and other considerations.

It is my hope that this will be recorded in the final documents that will be issued in this respect.

Mr. SEZAKI (Japan): My delegation would like to explain its position on draft resolution VIII.

Although my delegation had considerable difficulty supporting the draft resolution, in the spirit of co-operation it did not block its adoption by consensus. My delegation understands the role of this draft Convention - that is to say, protection of the rights of the migrant worker and of his or her family; however, its view is that the approach it takes is not sufficiently realistic or flexible to make it acceptable to individual countries of origin and countries employing migrant workers. There should have been more discussion of the diverse range of situations that can arise with respect to this issue, for historical reasons or because of regional conditions.

My delegation regards as particularly problematic the following stipulations: first, those that would cause problems with regard to the principle of equality by granting greater protection to migrant workers and their families than to nationals of the country in question or to other foreigners; secondly, those that would go against labour policies whose goal is the maintenance of a healthy internal labour market; thirdly, those that would cause problems with regard to immigration policy, which is principally contingent on conditions in individual countries, which must therefore formulate their own answers to questions such as whether and to what

(Mr. Sezaki, Japan)

extent to legalize the status of workers who immigrate illegally; fourthly, those that would entail greater financial and administrative problems for countries taking the measures required; and, fifthly, those that are inconsistent with national legal systems, for example with respect to criminal procedures, voting rights, education and social security.

The problems I have listed were pointed out by the Japanese delegation during the deliberations of the Working Group. The Government of Japan continues to adhere to the positions it expressed at that time.

Mr. STUART (Australia): My delegation wishes to explain its position on draft resolution VIII, on the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

My delegation joined the consensus on the adoption of the Convention, and wishes to join those who have congratulated the Working Group which prepared the draft Convention and the Chairman, who directed its work so capably.

In supporting adoption of the Convention, my delegation wants to state, for the record, that this should not be understood as implying that Australia agrees with all the Convention's substantive provisions and philosophical assumptions.

Australia abstained in the voting on General Assembly resolution 34/172, which established the Working Group. One reason for this position was that we did not, and do not, believe that the term "migrant worker", which is widely seen as a synonym for "guest worker", is applicable to Australian migration policies and practices, which are predicated on the grant of permanent residence.

My delegation appreciates the difficulties faced by migrant workers which inspired several countries to prepare the Convention adopted by the General Assembly today. While the Convention is likely to improve the conditions of various categories of migrant worker in some parts of the world, we do not believe

(Mr. Stuart, Australia)

that the conditions it addresses apply to Australia's migration policies and practices.

Australia has a long-established migration programme and policy which emphasize permanent settlement. Over the last 40 years the flow of permanent settlers into Australia has been at a significant level and increasingly diversified in source. In recent years, over 100,000 people have settled in Australia each year, drawn from countries around the globe. Migrants have been encouraged to bring their dependants to Australia as permanent settlers. Family reunion is a basic element of migration policy. Migrants enjoy labour-market mobility, secure resident status and economic, social, cultural, civil and political rights. They have been encouraged to become Australian citizens; they are normally eligible for citizenship after two years' permanent residence. Successive Australian Governments have set in place policies and extensive programmes to help migrants take their place in the multicultural Australian community.

(Mr. Stuart, Australia)

Notwithstanding our view that the drafting undertaken by the Working Group would have only a limited application to Australia's experience, we sought to participate constructively in the Working Group in a manner consistent with Australia's support for the protection of human rights and the United Nations treaty system. After becoming involved in the Working Group in 1984, our representatives did express a number of concerns to that Group and reserved the right to lodge reservations at the appropriate time.

Accordingly, there are some provisions of the Convention about which we have serious reservations. One is the very broad definition of "migrant worker", which under article 2 could include any illegal immigrant who is engaged in a remunerative capacity. Australia does not and will not provide the right to work to illegal immigrants. Nor do we consider ourselves under any obligation to provide them with the services that are available to legitimate migrants. We also have serious reservations about article 22, which could have the effect of placing unacceptable limits on our sovereign right to deport illegal immigrants.

In expressing these reservations, we recognize the potential value of the Convention in some parts of the world. From the point of view of Australia's migration policy and practice, however, it is seriously flawed, and for that reason Australia will not be able to become a party to it.

Ms. DU Yong (China) (interpretation from Chinese): With regard to draft resolution XIII, which has just been adopted, the Chinese delegation wishes to make an explanatory statement.

The Chinese delegation participated in the consensus on this draft resolution, contained in document A/45/838 and entitled "Strengthening of United Nations action in the human rights field through the promotion of international co-operation and the importance of non-selectivity, impartiality and objectivity". We did so because the Chinese Government always adheres to and upholds the relevant

(Ms. Du Yong, China)

principles of respect for human rights and fundamental freedoms enshrined in the United Nations Charter and has made efforts to that end. It is the consistent view of the Chinese delegation that the United Nations in handling human rights issues should base itself above all on the Charter of the United Nations. It is known to all that the question of human rights and fundamental freedoms is fully addressed in a number of Chapters and Articles of the Charter. We are of the view that in dealing with the human rights question we should have a comprehensive and balanced understanding of the Charter. The basic principles contained in Article 2 are guiding principles not only for handling State-to-State relations but also for handling human rights questions.

Mr. FLEMMING (Saint Lucia): While Saint Lucia voted in favour of draft resolution XIV, entitled "International Year for the World's Indigenous People", our affirmative vote should not be construed as endorsing all the elements contained therein. Rather our views vis-à-vis certain elements of that resolution are analogous to those expressed by the delegation of Antigua and Barbuda. Therefore my delegation wishes to go on record as endorsing the reservations delineated by the delegation of Antigua and Barbuda.

The PRESIDENT: We have concluded this stage of our consideration of the report of the Economic and Social Council allocated to the Third Committee.

AGENDA ITEM 34 (continued)

POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

(a) REPORT OF THE SPECIAL COMMITTEE AGAINST APARTHEID (A/45/22 and Add.1)

(b) REPORT OF THE INTERGOVERNMENTAL GROUP TO MONITOR THE SUPPLY AND SHIPPING OF OIL AND PETROLEUM PRODUCTS TO SOUTH AFRICA (A/45/43)

(c) REPORT OF THE COMMISSION AGAINST APARTHEID IN SPORTS (A/45/45)

(d) REPORTS OF THE SECRETARY-GENERAL (A/45/162, A/45/539, A/45/550, A/45/637, A/45/670)

(e) REPORT OF THE SPECIAL POLITICAL COMMITTEE (A/45/815)

(f) DRAFT RESOLUTIONS (A/45/L.31, A/45/L.32, A/45/L.33, A/45/L.38, A/45/L.39 and Corr.1, A/45/L.40 and Corr.1, A/45/L.41, A/45/L.42)

(g) REPORT OF THE FIFTH COMMITTEE (A/45/871)

The PRESIDENT: May I remind representatives that the debate on this item was concluded at the 59th plenary meeting, on 6 December.

The Assembly has before it eight draft resolutions issued as documents A/45/L.31, A/45/L.32, A/45/L.33, A/45/L.38, A/45/L.39 and Corr.1, A/45/L.40 and Corr.1, A/45/L.41 and A/45/L.42.

I now call on the Chairman of the Special Committee against Apartheid, who wishes to introduce two draft resolutions: draft resolution A/45/L.38, entitled "International efforts to eradicate apartheid", and draft resolution A/45/L.33, entitled "Programme of work of the Special Committee against Apartheid".

Mr. GAMBARI (Nigeria), Chairman of the Special Committee against Apartheid: I have the honour and privilege to introduce draft resolution A/45/L.38, entitled "International efforts to eradicate apartheid", and draft resolution A/45/L.33, entitled "Programme of work of the Special Committee against Apartheid". Both draft resolutions are sponsored by Nigeria in its capacity as Chairman of the Special Committee against Apartheid and on behalf of all the numerous co-sponsors.

Draft resolution A/45/L.38 was the subject of intensive consultations with Member States and I am pleased to inform the Assembly that agreement has been reached on its text. Therefore, I propose that it be approved by consensus.

This draft resolution is of extreme importance as it reflects common perceptions of the situation in South Africa and of the role of the international community and contains a number of significant elements on the subject, some of which have been agreed on for the first time. At the same time, the Special Committee hopes that the common perceptions on the role of the international

(Mr. Gambari, Chairman, Special Committee against Apartheid)

community reached in the draft resolution are reflected in the actions of individual Member States and groups of Member States, and that interpretations of the agreed language do not lead to unilateral departures differing from the spirit and letter of the consensus resolutions adopted in the United Nations.

In this connection I wish to express strongly the Special Committee's misgiving arising from the European Community's decision two days ago to lift the ban on new investments. We feel that the timing of that decision can negatively affect the efforts of the United Nations to ensure consensus as well as the need to maintain the measures aimed at applying pressure on the South African régime to eradicate apartheid speedily. I am sure I am expressing the apprehension of most of us in this Hall over this issue.

We should always keep in mind that in South Africa apartheid is the evil and thus we have a moral obligation not to equate the two parties in the current process. The Assembly cannot but be on the side of those who struggle against apartheid and we should encourage them and support them in this complex task they have undertaken to negotiate with the party that still maintains the apartheid system.

Under this draft resolution the General Assembly would reaffirm the Declaration on Apartheid and its Destructive Consequences, which was adopted by consensus a year ago by a special session of the Assembly, as well as resolution 44/244, adopted, again by consensus, by the resumed session of the Assembly last September. In the preamble the Assembly would take into consideration the annual report of the Special Committee and the report of the Secretary-General on progress made in the implementation of the Declaration on apartheid. It would express the conviction that the total eradication of apartheid and the establishment, through broad-based negotiations, of a non-racial democracy based on a new constitutional

(Mr. Gambari, Chairman, Special Committee against Apartheid)

order providing for universal equal suffrage under a non-racial voters' roll, could lead to a peaceful and lasting solution to the problems facing the people of South Africa. Also in the preamble the Assembly would express grave concern at the continuing repression of the majority population in South Africa and would enumerate some reasons for this concern.

(Mr. Gambari, Chairman, Special Committee against Apartheid)

At the same time, the Assembly would note that some significant measures in the right direction had been undertaken by the South African authorities - measures such as the repeal of the Separate Amenities Act and the lifting of the state of emergency throughout the country. It would welcome the talks between the African National Congress (ANC) and the South African authorities, and note the suspension by the ANC of its armed activities in an effort to contribute to the creation of an atmosphere free of violence.

The recurring violence is a cause of grave concern to all of us. It results largely from the persistence of apartheid and from other factors, not least of which are the actions of those opposed to the democratic transformation of the country, and poses a threat to the negotiating process.

In the preamble the General Assembly would also express concern at the continuing effects of the acts of aggression and destabilization that have been committed by South Africa against neighbouring African States, particularly Angola and Mozambique. It would further note that the international community has generally adhered to the Programme of Action contained in the Declaration, but would express concern over departures on the part of some members of the international community. It would recognize the responsibility of the international community to take all necessary measures to eradicate apartheid by peaceful means - in particular, by adhering to the Programme of Action.

In the operative paragraphs of the draft resolution the General Assembly would reaffirm the support of the international community for the legitimate struggle of the South African people for the total eradication of apartheid and the establishment of a united, non-racial and democratic society in which all people, irrespective of race, colour, sex or creed, would enjoy fundamental freedoms and human rights. The Assemby would note Pretoria's declared commitment to abolish

(Mr. Gambari, Chairman, Special Committee against Apartheid)

apartheid, and it would note some significant measures in the right direction that have been undertaken by the South African régime. It would call for full and immediate implementation of the provisions of the Declaration; call on the South African authorities to foster a climate fully conducive to negotiations and free political activity by repealing all existing repressive legislation, including the repressive provisions of the Internal Security Act, by ending detentions without trial and allowing the return of all political exiles without restrictions; and it emphasizes the need for speedy and full implementation of the agreements reached so far between the South African régime and the ANC - including the agreement to release all remaining political prisoners.

By the draft resolution the Assembly would welcome the fact that the ANC and Pretoria have been engaged in talks aimed at facilitating the commencement, in the very near future, of substantive and broad-based negotiations. It would encourage all concerned to take into account the guidelines to the process of negotiations - guidelines that are contained in the Declaration - and to participate fully in the negotiations for a new constitution.

The Assembly would call for an immediate end to the recurring violence in South Africa, and call on the South African régime to ensure effective and impartial action by all competent branches of government - the security forces, the judiciary, and so on - against all those, including vigilante groups, responsible for violence. In addition, it would call on all parties concerned to contribute to the creation of an atmosphere free of violence. This is a call that requires an urgent response from all concerned. The continuation of violence in South Africa is in nobody's interests - least of all, the interests of the innocent victims.

(Mr. Gambari, Chairman, Special Committee against Apartheid)

In an overall assessment of the present situation in South Africa, the Assembly would express the view that while the South African authorities had announced their intention to eradicate apartheid, this process of change remained at an early stage, and further substantive progress needed to be made if the profound and irreversible change called for in the Declaration were to be promoted.

Turning to the international community's responsibilities, the Assembly would call on all Governments and intergovernmental organizations to adhere strictly to the Programme of Action contained in the Declaration by maintaining the measures aimed at applying pressure on the South African régime to eradicate apartheid and to promote profound and irreversible changes, bearing in mind the objectives of the Declaration. These objectives are spelt out: the speedy eradication of apartheid and the establishment of a united, democratic and non-racial South Africa.

Reflecting provisions in the Programme of Action contained in the Declaration, the Assembly would call on all Governments, intergovernmental organizations and financial institutions to use concerted and effective measures in the areas of economic and financial relations with apartheid South Africa. All Governments are called upon to observe fully the mandatory arms embargo, and the Security Council is requested to monitor effectively the strict implementation of that embargo.

There is an appeal to Governments and organizations to render all possible assistance to the front-line States, particularly Angola and Mozambique, to enable them to reconstruct their economies, which have been devastated from years of destabilization. There is also an appeal for increased economic, humanitarian, legal, educational, and other assistance to the victims of apartheid and to previously-banned organizations. The international community is urged to provide

(Mr. Gambari, Chairman, Special Committee against Apartheid)

all possible assistance to facilitate the re-establishment of previously banned organizations, and the Secretary-General is urged to assist in the reintegration of released political prisoners and in the return of South African refugees and exiles.

There is a need for co-ordination of activities of United Nations offices and of specialized agencies. The Secretary-General is asked to secure such co-ordination and support for the General Assembly at its next session.

Finally, the Secretary-General is requested to continue to monitor the implementation of the Declaration and to pursue appropriate negotiations to facilitate all efforts aimed at the final eradication of apartheid.

I should like to say a few words about draft resolution A/45/L.33, entitled "Programme of work of the Special Committee against Apartheid". According to this draft resolution the General Assembly would take note of the report of the Special Committee and endorse the Committee's recommendations relating to its programme of work. As the focal point in the United Nations system the Committee - making use of the support services of the United Nations Centre against Apartheid - is authorized to continue monitoring closely developments in South Africa and the actions of the international community, to continue mobilizing international action against apartheid through consultations with Governments, intergovernmental and non-governmental organizations, as well as relevant individuals and groups, both inside and outside South Africa, and, accordingly, to prepare an interim report during the first half of 1991.

Given the current developments in South Africa, the Committee feels that it is important that its monitoring of these developments and its contacts with relevant parties, inside and outside South Africa, be intensified. And we feel that it is important to report on developments that are expected to take place in the first part of next year.

(Mr. Gambari, Chairman, Special Committee against Apartheid)

The Committee is also planning to turn its attention to the educational, economic and social needs of the disadvantaged segments of South African society, and to take constructive initiatives in the areas of cultural and academic links with South Africa. We are also planning to keep in touch with Governments, parliamentarians, journalists and other decision-makers and opinion-formers in those parts of the world that are supportive of, or deeply interested in, the efforts towards speedy eradication of apartheid.

According to the draft resolution, the General Assembly would appeal to all Governments and intergovernmental and non-governmental organizations, including United Nations bodies, organs and agencies, to co-operate with the Special Committee and the Centre against Apartheid. It is particularly important that other United Nations bodies and agencies avoid duplication and consult with the Committee and the Centre in order to ensure consistency in our approach to the subject of South Africa. Unfortunately that has not always been the case - particularly so in recent times.

Further, the Assemly would call on Governments to provide financial assistance for the special projects of the Special Committee - it is proposed that these projects should be financed by a special allocation of $480,000 - and to make generous contributions to the Trust Fund for Publicity against Apartheid. By adopting this draft resolution the Assembly would also authorize continued financial assistance to enable the ANC and the Pan Africanist Congress of Azania (PAC) to maintain offices in New York so that those organizations might participate effectively in our work.

(Mr. Gambari, Chairman, Special Committee against Apartheid)

Finally, under the draft resolution the Assembly would issue an appeal for co-operation between the Centre against Apartheid and the Department of Public Information in the Secretariat regarding dissemination of information on the evolving situation in South Africa.

I wish to appeal to the General Assembly to adopt this draft resolution also by consensus. This will be an important encouragement to the Special Committee to carry out its mandate with imagination, with dynamism and with effectiveness.

The PRESIDENT: I now call on the representative of Uganda, who wishes to introduce three draft resolutions: draft resolution A/45/L.39 and Corr.1, entitled "Concerted and effective measures aimed at eradicating apartheid"; draft resolution A/45/L.40 and Corr.1, entitled "Military collaboration with South Africa"; and draft resolution A/45/L.41, entitled "Relations between South Africa and Israel".

Mr. KAMUNANWIRE (Uganda): At the outset, I should like to announce that Cuba, India, Iraq, the Philippines, the Libyan Arab Jamahiriya and Trinidad and Tobago have become sponsors of draft resolution A/45/L.39 and Corr.1; Cuba, Iraq, the Philippines and the Libyan Arab Jamahiriya have become sponsors of draft resolution A/45/L.40 and Corr.1; and Afghanistan, Cuba, Iraq and the Libyan Arab Jamahiriya have become sponsors of draft resolution A/45/L.41.

On behalf of the sponsors I have great pleasure in introducing draft resolution A/45/L.39 and Corr.1, on concerted and effective measures aimed at eradicating apartheid; draft resolution A/45/L.40 and Corr.1, on military collaboration with South Africa; and draft resolution A/45/L.41, on relations between South Africa and Israel.

Draft resolution A/45/L.39 and Corr.1 has twelve introductory paragraphs and eight operative paragraphs, in which the General Assembly would reaffirm that apartheid is a crime against the conscience and dignity of humankind and a threat

(Mr. Kamunanwire, Uganda)

to international peace and security; would call upon all States to adhere fully to the Programme of Action contained in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted at a special session of the Assembly in 1989; would call upon all States to maintain existing measures in a number of fields aimed at applying pressure on apartheid South Africa; would appeal to all Governments, organizations and individuals to refrain from entertaining any links with South Africa and from engaging in cultural or academic activities with it unless they have the intent and effect of opposing apartheid; would urge all Governments and private financial organizations as well as the International Monetary Fund and the World Bank not to extend any loans and credits to South Africa until profound and irreversible changes take place in South Africa in line with the objectives of the Declaration; would urge all States strictly to implement and monitor their existing measures; would request the Special Committee to continue to monitor the implementation of existing measures and to report to the General Assembly and the Security Council as appropriate; and would request the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the draft resolution.

Draft resolution A/45/L.40 and Corr.1, on military collaboration with South Africa, has nine introductory paragraphs and five operative paragraphs, in which the General Assembly would deplore the actions of those States that, directly or indirectly, violate the arms embargo and collaborate with South Africa in the military, nuclear, intelligence and technology fields and would call upon these States to terminate their collaboration and honour Security Council resolution 421 (1977); would urge all States to adopt strict legislation to implement the arms embargo and prohibit the supply to South Africa of all products that can be used for the military and nuclear industry there; would urge the Security Council to

(Mr. Kamunanwire, Uganda)

consider immediate steps to ensure the scrupulous and full implementation and the effective monitoring of Security Council resolutions 418 (1977) and 558 (1984) as well as to consider strengthening the monitoring and the reporting of violations of those resolutions and to provide information on a regular basis to the Secretary-General for general distribution to Member States; would further urge the Security Council to implement the recommendations in the report of the Committee established under resolution 421 (1977); and would request the Special Committee to keep the matter under constant review and to report thereon to the General Assembly and the Security Council as appropriate.

Draft resolution A/45/L.41, on relations between South Africa and Israel, has three introductory paragraphs and four operative paragraphs, in which the General Assembly would condemn Israel's military and nuclear collaboration with the South African régime; would reiterate its demand that Israel desist from and terminate forthwith all forms of collaboration, particularly in the military and nuclear fields; would urge the Security Council to take appropriate measures against Israel for its violation of the mandatory arms embargo; and would request the Special Committee to continue to monitor the relations between the two countries and keep them under constant review and report to the General Assembly and the Security Council as appropriate.

The PRESIDENT: I now call on the representative of Kuwait, who will introduce draft resolution A/45/L.31, entitled "Oil embargo against South Africa".

Miss AL-MULLA (Kuwait): I have the honour to introduce the draft resolution on the oil embargo, contained in document A/45/L.31, on behalf of the following Member States: Algeria, Cuba, Indonesia, New Zealand, Nicaragua, Nigeria, Norway, the Ukrainian Soviet Socialist Republic, the United Republic of Tanzania and my own country, Kuwait. It is also my pleasure to announce that the following Member States have joined as sponsors: the Islamic Republic of Iran, the Libyan Arab Jamahiriya and Vanuatu.

The oil embargo against South Africa has proved to be an effective measure, and one that has greatly contributed to the South African régime's realization that apartheid must end.

The international community is aware of the steps that Pretoria has taken towards the eradication of apartheid. The international community knows, however, that the basic institutions of apartheid are still in place. The international community is aware that the régime has failed or neglected to create a climate conducive to peaceful negotiations for a new Constitution. This was clearly stated by the National Consultative Conference of the African National Congress (ANC) concluded last Sunday in Johannesburg. It is therefore considered necessary to maintain pressure until there is clear evidence of profound and irreversible changes, bearing in mind at the same time the objectives of the United Nations Declaration adopted by consensus last year. The oil embargo remains one important instrument of pressure.

In the past year, the Intergovernmental Group has devoted its energy to strengthening its monitoring capabilities in order to render the embargo more effective. The problem of existing loopholes was addressed, as well as the need for more effective enforcement measures that could assist Member States in the

(Miss Al-Mulla, Kuwait)

implementation of the oil embargo. With the advice of legal experts, a draft model law has been created. This model law is found in annex I of the Group's annual report (A/45/43).

The issue of calls at South African ports by ships capable of carrying oil or petroleum products has also been given attention. This exercise has widened the scope of investigations that the Group now undertakes.

The draft resolution proposed this year reflects the above-mentioned concerns, which are still evident among members of the international community. The preamble to the draft resolution stresses the continuing importance of the oil embargo as a measure to stop oiling the wheels of apartheid, as well as its being in line with the consensus Declaration on apartheid adopted at the sixteenth special session of the General Assembly. The Declaration calls for the non-relaxation of existing measures. The preamble also expresses concern over the fact that the oil embargo is still being violated.

In operative paragraph 2 the General Assembly would commend the proposed draft model law as contained in the Group's annual report.

In operative paragraph 3 it would once again urge the Security Council to take action in order to make the oil embargo more effective. It is still widely believed that by adopting effective action in line with the United Nations Charter, the Security Council could assist in the strengthening of the oil embargo.

In operative paragraph 4 the Assembly would request all States, pending decisions of the Security Council, to adopt measures and legislation to ensure the complete cessation of the supply of oil and petroleum products to South Africa. In the subparagraphs it would reaffirm the elements required for effective measures to be adopted by Governments. In addition, there is a new subparagraph, subparagraph (k), which focuses on the need to discourage ships in registries of

(Miss Al-Mulla, Kuwait)

Member States, or owned and managed by their nationals, from engaging in activities that would violate the embargo.

In operative paragraph 5 the General Assembly would authorize the Group to promote public awareness of the oil embargo.

In operative paragraph 7 it would request that all States co-operate with the work of the Intergovernmental Group, and in operative paragraph 8 it would request the Secretary-General to provide assistance to the Group in the discharge of its duties.

It is hoped that all Member States will support this draft resolution as it has been proved that the oil embargo, if scrupulously implemented, will be an effective and peaceful method of persuading the South African régime to end apartheid through a negotiated solution.

The PRESIDENT: I now call on the representative of Barbados who wishes to introduce draft resolution A/45/L.42, entitled "Support for the work of the Commission against Apartheid in Sports".

Mr. MAYCOCK (Barbados): On behalf of the sponsors, Ghana, the Islamic Republic of Iran, Iraq, the Libyan Arab Jamahiriya, the Philippines and Barbados, I have the honour to introduce draft resolution A/45/L.42 on the work of the Commission against Apartheid in Sports. The International Convention against Apartheid in Sports represents the determination of the international community to ensure the total boycott of apartheid sports. Furthermore, the widest possible adherence to the Convention would maximize the impact of the boycott of apartheid sports on those who collaborate with South Africa by defying the boycott. Therefore, in paragraph 2 of the draft resolution the General Assembly would call for the ratification of the Convention by those States which have signed it and would urge all other States to accede to it. We earnestly hope that through the

(Mr. Maycock, Barbados)

widest possible adherence to the Convention the international community will send a very clear message to the South African Government that apartheid must be eradicated from sports and society immediately. Furthermore, the boycott should be maintained until profound and irreversible changes have taken place in South Africa, taking into account the objectives of the Declaration on Apartheid and its Destructive Consequences in Southern Africa unanimously adopted by the General Assembly at its sixteenth special session.

The Commission considers the Register of Sports Contacts with South Africa an effective tool for strengthening the boycott of apartheid sports. The action of Governments, organizations and individual sportsmen and sportswomen in support of the Register is to be commended. The Assembly, in operative paragraph 4, would request the Special Committee to continue issuing the Register.

The Assembly, in paragraph 5, would call on international sporting organizations and federations which have not yet expelled South Africa or suspended its membership, to do so without further delay. In paragraph 6 it would call upon all Governments and sporting organizations to maintain the sports boycott.

In paragraph 7 it would urge them to assist the non-racial sports movements in South Africa to redress the structural inequalities which they have suffered for so long, inequalities which were created and sustained by the apartheid régime.

While welcoming the positive developments in South Africa, we believe that the boycott should be maintained and that all assistance should be provided to non-racial sports in South Africa. We are determined that racism should be eliminated completely from sports in South Africa.

Finally, in operative paragraph 8, the Assembly would request the Secretary-General to provide the Commission with all needed assistance.

(Mr. Maycock, Barbados)

In conclusion, I urge the Assembly to adopt this draft resolution, thus contributing to the international efforts to eliminate apartheid in sports.

The PRESIDENT: I now call on the representative of Sweden, who wishes to introduce draft resolution A/45/L.32, entitled "United Nations Trust Fund for South Africa".

Mr. ELIASSON (Sweden), Chairman of the United Nations Trust Fund for South Africa: In my capacity as Chairman of the Committee of Trustees of the United Nations Trust Fund for South Africa, I have the honour to introduce draft resolution A/45/L.32, on the Trust Fund, this year sponsored by 34 Member States. Apart from the States mentioned in the draft resolution the following five Member States have joined as sponsors: Iraq, the Libyan Arab Jamahiriya, the Philippines, Spain and Trinidad and Tobago.

As the Assembly is aware, the Trust Fund was established 25 years ago - almost to the day - on 15 December 1965. Its purpose is basically humanitarian: to provide legal assistance, relief and other assistance to persons persecuted for their opposition to apartheid and to their dependants.

Over the years, Member States have unanimously and steadfastly supported the Trust Fund, contributing a total of almost $40 million. In so doing, Member States have demonstrated their genuine humanitarian concerns for the victims of apartheid as well as their determined support for a peaceful settlement of the conflict in South Africa.

During the last months, significant and positive events have occurred in South Africa. Profound changes are now finally within reach. The opportunity is at hand for the total and peaceful dismantling of the apartheid system.

We have seen the release of Nelson Mandela and other political prisoners, the unbanning of political organizations, the lifting of the state of emergency, the suspension of executions and the agreements that would allow for the release of all political prisoners and the return of political exiles. These are all positive developments, which should be welcomed.

The Committee of Trustees remains, however, seriously concerned, about the continued existence of the basic laws sustaining the apartheid system as well as

(Mr. Eliasson, Chairman, United Nations Trust Fund for South Africa)

other discriminatory and repressive legislation causing disarray in the daily lives of the black majority of South Africa. Political trials are still in progress and political prisoners still languish in gaol.

It is crucial, in our view, that humanitarian, legal and relief assistance be continued so long as all political prisoners and detainees have not been released and so long as arbitrary and repressive legislation continues to be invoked to arrest and detain opponents of apartheid because of their political beliefs. In this regard, the Secretary-General's report (A/45/550) provides an account of the activities of the Trust Fund since the last regular session of the General Assembly.

The Committee of Trustees continues to follow very closely developments in South Africa. In a process of adapting to changing circumstances the Committee might, as appropriate, consider doing more in other areas within its present mandate - for instance, in the field of education and relief to exiles and released political prisoners.

The draft resolution before the Assembly duly takes note of changes taking place in southern Africa. With the accession of Namibia to independence, the Trust Fund will now focus its activities on those in need of humanitarian and legal assistance in South Africa. Under the draft resolution the Assembly will also acknowledge that continued humanitarian and legal assistance by the international community is necessary to alleviate the plight of those persecuted under repressive and discriminatory legislation in South Africa and to facilitate the reintegration of released political prisoners into South African society. Accordingly, in the draft resolution the Assembly would appeal for generous contributions to the Trust Fund and to voluntary agencies engaged in humanitarian and legal help to victims of apartheid.

(Mr. Eliasson, Chairman, United Nations Trust Fund for South Africa)

Let me in conclusion say that it is our hope that Member States will live up to their commitment and to the expectations of the many victims of apartheid by adopting draft resolution A/45/L.32 without a vote and by contributing effectively to this important international humanitarian effort in support of those who stand in defence of freedom, fundamental human rights, justice and equality for all in South Africa.

PROGRAMME OF WORK

The PRESIDENT: In view of the lateness of the hour and the large number of representatives whose names are still inscribed on the list of speakers, we shall take action on the draft resolutions on agenda item 34, as well as those on agenda items 117, 152 and 40, on Friday morning.

In addition, on Friday the General Assembly will take action on draft resolution V contained in paragraph 38 of the report of the Third Committee (A/45/764) on agenda item 108, entitled "International action to combat drug abuse and illicit trafficking", and on draft resolution IV contained in paragraph 109 of part I of the report of the Third Committee (A/45/838) on agenda item 12, entitled "Report of the Economic and Social Council".

On Friday the Assembly will also consider the reports of the Second and Fifth Committees and will take up all other pending items and appointments.

The meeting rose at 6.20 p.m.